

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division - Yeleswaram Mandal, Lakkavaram Village, - Land acquired under Award No.53/85,dated.15.11.85 for YRP - Land value enhanced in O.P.Nos.109/86 and 110/86 - Appeals filed in A.S.No.1968/98 and 1997/2001 - Dismissed - Sanction of entire / full decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 557

Date:25.7.2009

Read the following

1. From the Collector & District Magistrate, East Godavari District,
Lr.No. G1/21/2009,dated. 6.1.2009.
2. From the Chief Commissioner of Land A,A.P, Hyderabad,
Letter No.SPR3/310/ 2009, dated.20.5.2009.

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ORDER:-

In the references read above, it has been reported that an extent of Ac.163.31 cts of G.Wet/ G.Dry lands in S.No.56/3 etc., situated in Lakkavaram village of Yeleswaram Mandal, were acquired under Award No. 53/85 by the Spl.Dy.Collector (LA), YRP, Unit-1, Yeleswaram on 15.11.85 duly fixing the land value @ Rs.6,000/- and Rs.11,000/- per acre in two categories. At the request of the aggrieved land owners who are having 1/8th share each in Ac.6.29 cts in S.No.56/3 for which the LAO has fixed Land Value @ Rs.11,000/- per acre, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Sub Ordinate Judge, Peddapuram after considering the reference pronounced decree and judgement in O.P.Nos. 109/86 and 110/86, dated.26.4.96. The Lower Court have enhanced the land value for Rs.11,000/- to Rs.30,000/- per acre. The Hon'ble Court allowed interest on enhanced Market Value, Solatium and Addl.Market Value at 9 % p.a from 1.7.88 for the first year, and thereafter at 15% p.a till payment is made.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.26.4.96 in O.P.No.109/86 and batch. The Hon'ble High Court in A.S.Nos. 1968/98 and 1997/2001 filed against O.P.Nos. 109 & 110/86, have dismissed the appeals on 15.3.2007, confirming the lower court decree relying upon the judgment in A.S.No.537/98.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.1,12,025/- towards entire decretal amount to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.1968/98 & 1997/2001 filed against O.P.Nos.109/86 and 110/86. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.1,12,025/- (Rupees One lakh Twelve thousand and Twenty Five only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.1968/98 & 1997/2001 filed against O.P.Nos.109/86 and 110/86., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18

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reference was made contrary to the rules / guidelines issued by the Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.Nos. 109/86 and 110/86, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2522/F.7(A1)/09, dt.6.7.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The District Collector, East Godavari, Kakinada.
The Spl.Chief Secretary to Govt & CCLA., A.P., Hyderabad.
The Engineer-in-Chief(Irr), Errumanzil, Hyderabad.
The Revenue Divisional Officer, Peddapuram, E.G. Dist.
The Director of Works Accounts, Hyderabad.
The Joint Director of Works Accounts, Dowlaiswaram.
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department
Stock File / Spare copies
In the file C.No.12404/L.A.I(A2)/2009

//FORWARDED :: BY ORDER//

SECTION OFFICER